

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)

JODI C. MAHDAVI,

Plaintiff

v.

NEXTGEAR CAPITAL, INC.

Case No. 1:14-cv-0648-TSE-TCB

and

P.A.R. SERVICES, INC.,

Defendants.

**PLAINTIFF'S OBJECTIONS TO DEFENDANT NEXTGEAR CAPITAL, INC.'S
TRIAL EXHIBITS**

Pursuant to the joint discovery plan filed by the parties and the scheduling order previously entered, the Plaintiff, Jodi C. Mahdavi ("Mrs. Mahdavi"), by Counsel, hereby objects to NextGear Capital, Inc.'s ("NextGear's") trial exhibits upon the following grounds:

1. Mrs. Mahdavi objects to NextGear's Exhibit 1, New York Certificate of Title to the BMW possessed by NextGear in its title safe, on the separate grounds of hearsay, lacks proper authentication or foundation for its admission into evidence and Best Evidence.

2. Mrs. Mahdavi objects to NextGear's Exhibit 2, Demand Promissory Note and Loan and Security Agreement, on the separate grounds of relevance, hearsay, lacks proper authentication or foundation for its admission into evidence and Best Evidence.

3. Mrs. Mahdavi objects to NextGear's Exhibit 3, Addendum to Promissory Note, on the separate grounds of relevance, hearsay, lacks proper authentication or foundation for its admission into evidence and Best Evidence.

4. Mrs. Mahdavi objects to NextGear's Exhibit 4, Floored Vehicle History Report for the BMW, on the separate grounds of hearsay and lacks proper authentication or foundation for its admission into evidence.

5. Mrs. Mahdavi objects to NextGear's Exhibit 5, Receivable Detail Report, on the separate grounds of hearsay and lacks proper authentication or foundation for its admission into evidence.

6. Mrs. Mahdavi objects to NextGear's Exhibit 6, UCC Approval Sheet for NextGear's security interest in the BMW, on the separate grounds of hearsay, lacks proper authentication or foundation for its admission into evidence and Best Evidence.

7. Mrs. Mahdavi objects to NextGear's Exhibit 7, DSC Floorplan Application, on the separate grounds of hearsay, lacks proper authentication or foundation for its admission into evidence and Best Evidence.

8. Mrs. Mahdavi objects to NextGear's Exhibit 8, NextGear's Power of Attorney with Dealer Services Corporation, on the separate grounds of hearsay, lacks proper authentication or foundation for its admission into evidence and Best Evidence.

9. Mrs. Mahdavi objects to NextGear's Exhibit 9, Demand Promissory Note and Loan and Security Agreement, on the separate grounds of hearsay, lacks proper authentication or foundation for its admission into evidence and Best Evidence.

10. Mrs. Mahdavi objects to NextGear's Exhibit 11, Maryland temporary vehicle certification, on the separate grounds of hearsay, lacks proper authentication or foundation for its admission into evidence and Best Evidence.

11. Mrs. Mahdavi objects to NextGear's Exhibit 12, February 20, 2014 Receipt of Purchase, on the separate grounds of hearsay, lacks proper authentication or foundation for its

admission into evidence and Best Evidence.

12. Mrs. Mahdavi objects to NextGear's Exhibit 14, Truth in Lending Disclosure Document, on the separate grounds of relevance, hearsay and lacks proper authentication or foundation for its admission into evidence.

13. Mrs. Mahdavi objects to NextGear's Exhibit 16, PAR Inventory of Contents from BMW, on the separate grounds of hearsay, lacks proper authentication or foundation for its admission into evidence and Best Evidence.

14. Mrs. Mahdavi objects to NextGear's Exhibit 17, Publicly available court records for United States of America v. Navid Mahdavi, Criminal Case No. 1:08-cr-426, on the separate grounds of relevance, hearsay, lacks proper authentication or foundation for its admission into evidence, is prohibited by FED. R. EVID. 403 and to the extent its use is prohibited by FED. R. EVID. 608 and 609.

15. Mrs. Mahdavi objects to NextGear's Exhibit 18, Navid Mahdavi Responses to NextGear's written deposition questions, on the separate grounds of hearsay, is prohibited by FED. R. EVID. 403 and to the extent its use is prohibited by FED. R. EVID. 608 and 609.

16. Mrs. Mahdavi objects to NextGear's Exhibit 19, Pictures of property located at 4726-D St Barnabas Road, Temple Hills, Maryland, on the separate grounds of relevance, hearsay, lacks proper authentication or foundation for its admission into evidence, was not produced in discovery and is prohibited by FED. R. EVID. 403.

17. Mrs. Mahdavi objects to NextGear's Exhibit 20, Pictures of property located at 9913 Montauk Ave, Bethesda, Maryland, on the separate grounds of relevance, hearsay, lacks proper authentication or foundation for its admission into evidence, was not produced in discovery and is prohibited by FED. R. EVID. 403.

18. Mrs. Mahdavi objects to NextGear's Exhibit 21, SDAT Reports for Ultimate Auto Wholesalers, on the separate grounds of relevance, hearsay, lacks proper authentication or foundation for its admission into evidence, Best Evidence, was not produced in discovery and is prohibited by FED. R. EVID. 403.

Mrs. Mahdavi reserves the right to make such objections as applicable once each actual exhibit is provided. By objecting to any of NextGear's exhibits, Mrs. Mahdavi does not waive her right to introduce the same exhibit as appropriate. Furthermore, Mrs. Mahdavi incorporates her objections as set forth in response to NextGear's written discovery or as set forth in the depositions in this matter.

Jodi C. Mahdavi
By Counsel

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By /s/ Jonathan E. Levine
Jonathan E. Levine, Esquire
VA Bar ID 45572
Counsel for the Plaintiff, Jodi C. Mahdavi

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of December 2014 the foregoing Plaintiff's Objections to Defendant NextGear Capital, Inc.'s Trial Exhibits was served via CM/ECF on the following: James Bragdon, Esquire, GALLAGHER, EVELIUS & JONES, LLP, 218 N. Charles Street, Suite 400, Baltimore, Maryland 21201, jbragdon@gejlaw.com, *Co-Counsel for NextGear Capital, Inc.*; Ashley W. Winsky, Esquire, MCGUIREWOODS, LLP, 310 Fourth Street, N.E., Suite 300, Charlottesville, Virginia 22902, awinsky@mcguirewoods.com, *Co-Counsel for NextGear Capital, Inc.*; and James N. Markels, JACKSON & CAMPBELL, P.C., 1120 20th Street, N.W., South Tower, Third Floor, Washington, D.C. 20036, jmarkels@jackscamp.com, *Counsel for P.A.R. Services, Inc.*

/s/ Jonathan E. Levine
Jonathan E. Levine, Esquire